

EXHIBIT A

SMALL CLAIMS CITATION

3017-00400S

THE STATE OF TEXAS

COUNTY OF BRAZOS

TO: Lonny Lear, Defendant.Can be served at 20364 SW 5th Street, Pembroke Pines, FL 33029.

You are hereby commanded to appear before me, Justice of the Peace, Justice Court, Precinct 3, of Brazos County, Texas, on or before 14 days from the date of service of this citation upon you, *in writing by mail, or at my office* located at the Courthouse, 1500 George Bush Drive, College Station, Texas 77840 to answer in the suit of Paul R F Schumacher, Plaintiff, against Michele R Lear, Lonny Lear, Lonny Lear, Inc, Student Loan Assistance Foundation, LLC, Defendant, filed on the June 08, 2017, and being Number 3017-00400S on the Docket of said Court, the plaintiff's demand being for the sum of 10,000.00, arising from the circumstances indicated on the attached Statement of Claim:

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Plaintiff is represented by Paul R F Schumacher whose address is 1512 Oakview St Bryan, Tx 77802.

ISSUED AND GIVEN UNDER MY HAND at Precinct 3, Brazos County, Texas on this the 27th day of June, 2017.



Clerk of the Court for Judge Rick Hill
Justice of the Peace
Justice Court, Precinct 3, Brazos County, Texas

NOTICE

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

RETURN OF CITATION

Came to hand on the _____ day of _____, 2017, at _____ o'clock ____ M.
Executed at _____, within the County of Brazos, at _____ o'clock ____ M. on the _____ day of _____, 2017, by delivering to _____, in person each, a true copy of this citation, having first endorsed on such copy of said citation the date of delivery.

Not executed, the diligence used to execute being _____, unable to execute for the following reason: _____, the defendant may be found at: _____.

TO CERTIFY WHICH, WITNESS MY HAND OFFICIALLY.

Fee for Service \$ _____

CONSTABLE

DEPUTY

CAUSE NO. 3017-004005

Paul R. F. Schumacher, Plaintiff

§

IN THE JUSTICE COURT

VS.

§

PRECINCT 3

Michele R. Lear

§

BRAZOS COUNTY, TEXAS

Lonny Lear

§

Lonny Lear, Inc

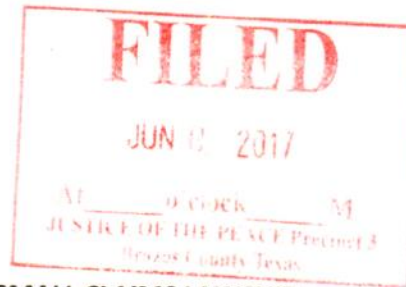
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Student Loan Assistance Foundation, LLC

§

, Defendants

§

**SWORN PETITION FOR A SMALL CLAIMS LAWSUIT**

I hereby state that I am filing a Small Claims lawsuit: *A Small Claims case is a lawsuit brought to recover money damages, civil penalties, personal property or other relief allowed by law. The claim can be for no more than \$10,000.00, excluding statutory interest and court costs including attorney fees, if any.*

I, PLAINTIFF: Paul R. F. Schumacher,

Whose address is: 1512 Oakview St; Bryan, Tx 77802

Email address: Paul.R.F.Schumacher@gmail.com

HEREINAFTER called Plaintiff, being duly sworn, on my oath say that:

The defendants: Michele R. Lear, Lonny Lear, and their companies: Lonny Lear, Inc and Student Loan Assistance Foundation, LLC.

ARE JUSTLY INDEBTED TO THE PLAINTIFF IN THE SUM OF: ten thousand dollars (\$10,000)

REASON FOR FILING THIS LAWSUIT

Student Loan Assistance Foundation has made 4 telemarketing calls to my cell phone, which is registered on the national do not call registry, using a robodialer with a spoofed caller ID, that does not transfer to a human operator within 30 seconds of greeting, and misrepresenting the legal name of the calling company. Each of these separate violations per call carries a liability of \$500-\$1500 under the Telephone Consumer Protection Act, including TCPA 47 USC 227(b)(1)(A)(iii); 47 CFR 64.1200(c)(2); and 16 CFR 310.4(b)(iii)(A). Under the provisions of the TCPA, I am allowed to sue the company in my local jurisdiction for \$500 per offense, with up to triple damages allowed if the officiating justice believes that the violations were intentional.

7-Mar-16 16:27

10-Jun-16 17:45

25-Jul-16 11:54

3-Aug-16 16:22

(All times Central)

This lawsuit solely concerns the call made on 03-Aug-2016, and Plaintiff reserves the right to file suit on the other calls separately in the future. This call contained six violations of the TCPA, TCFAPA, and other FTC and FCC regulations:

- Calling a cellular phone using an ATDS.
- Calling a number on the national Do-Not-Call registry

- Using a spoofed caller ID.
- Failing to give the company name within 30 seconds of the call.
- Refusing to give the company name and address when requested.
- Failing to hand off to a human operator within 30 seconds of their greeting.

Each of these violations during that single call constitutes a separate \$500-\$1500 liability under the terms of the TCPA.

In addition to the federal violations, I am seeking relief for the violations of Texas telemarketing law, which also forbids calling a number on the national or Texas Do-Not-Call registry (Sec. 304.052) and requires telemarketers calling into Texas to be a registered and licensed telemarketer with the state of Texas. Additionally, per Sec. 304.151, it is an offense in Texas to block or falsify the calling number, as was done here. Per Sec. 304.257, I have private right of action to enforce violations of section 304, for \$500 per violation.

Taken together, the six federal violations plus the two state violations come to a total of \$10,000.

During the latest call, Plaintiff created a unique identifier to give the company in order to discover who was actually making the calls, a "Gatar Morug". Subsequently, on 04-Aug-2016 at 12:08 and 14:55, Plaintiff was contacted by Student Loan Assistance Foundation calling for "Gatar Morug" and given their main number to call back: 1-800-513-6216 x212, which lead to the proper identification of the entity responsible for originating the calls.

Per the TCPA and Texas law, the parent company or companies are responsible for the telemarketing violations of their employees, contractors, or agents that market on their behalf.

SERVICE OF CITATION: Service is requested on Defendant by registered mail, restricted delivery by the clerk of this court upon the defendants:

Michele R Lear
7551 WILES ROAD
Suite 103
CORAL SPRINGS, FL 33067
Pembroke Pines, FL 33026

Lonny Lear
20364 SW 5th Street
Pembroke Pines, FL 33029

Note: Michele Lear is the registered agent for the above companies, so serving her also serves the companies, per Texas rules on serving companies.

ATTORNEY'S FEES: Plaintiff ☒ will be or ☐ will NOT be seeking applicable attorney's fees if the case is removed to a venue in which representation is normally used.

REQUEST FOR JUDGMENT: Plaintiff prays that Defendant(s) be served with citation and that Plaintiff have judgment against Defendant(s) for the amount or items above, attorney's fees, court costs, and interest on the above sums at the statutory rate for judgments under Civil Statutes Article 5069-1.05.

☒ I consent for the answer and any other motions or pleadings to be sent to my email address which is:

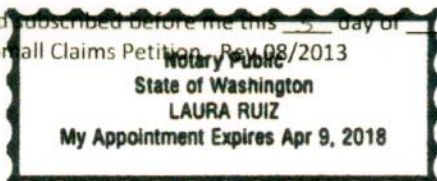
Paul.R.F.Schumacher@gmail.com

Date signed: June 9 2017

Paul R. F. Schumacher
Plaintiff's Signature

Sworn to and subscribed before me this 9 day of June, 2017.

JP Small Claims Petition, Rev 08/2013



CLERK OF THE JUSTICE COURT OR NOTARY